



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
MARCH 13, 2018
7:00 PM**

INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

Pledge of Allegiance

Approval of the minutes of the: (1) Special City Council work session of February 27, 2018; and (2) Regular City Council meeting of February 27, 2018.

COUNCIL DISCUSSION

1.
 - Hats Off to Hometown Hits
 - Attending the Richfield Red, White, & Blue Days Parade (4th of July)

AGENDA APPROVAL

2. Approval of the Agenda
3. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
 - A. Consideration of the approval of the purchase of a Fire Pumper Chassis for \$199,884 in 2018 and a Fire Pumper Body for \$292,860 in 2019, totaling \$492,744, from Rosenbauer Firefighting Technology.
Staff Report No. 47
 - B. Consideration of the approval of a resolution supporting projects impacting the City of Richfield that were submitted to the Minnesota Department of Transportation's Corridors of Commerce program.
Staff Report No. 48
 - C. Consideration of the adoption of the City of Richfield Sustainable Purchasing Policy.
Staff Report No. 49
 - D. Consideration of the approval of a contract with Becker Arena Products, Inc. to replace the dasher boards in Rink One in the amount of \$159,145.44 and to authorize the City Manager both to execute the contract and to approve additional work up to \$10,000 without further City Council authorization.

Staff Report No. 50

4. Consideration of items, if any, removed from Consent Calendar

PUBLIC HEARINGS

5. Public hearing and consideration of the approval of new On-Sale Intoxicating and Sunday Liquor licenses for Lyndale Smokehouse, LLC d/b/a Lyndale Smokehouse located at 7745 Lyndale Ave South.

Staff Report No. 51

6. Public hearing and consideration of the approval of an ordinance amendment to the Richfield City Code Appendix D Exhibit A (Construction and Related Permit Fees and Charges) to provide building permit fee reductions to affordable housing developments and approve a resolution authorizing summary publication of the ordinance amendment.

Staff Report No. 52

RESOLUTIONS

7. Consideration of the adoption of the Resolution with Findings revoking the business license for First Step, LLC (d/b/a Richfield Health Massage).

Staff Report No. 53

CITY MANAGER'S REPORT

8. City Manager's Report

CLAIMS AND PAYROLLS

9. Claims and Payrolls

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

10. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

February 27, 2018

CALL TO ORDER

The work session was called to order by Mayor Elliott at 6:00 p.m. in the Bartholomew Room.

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Maria Regan Gonzalez; Michael Howard; and Simon Trautmann.

Staff Present: Steven L. Devich, City Manager; Kristin Asher, Public Works Director; Jeff Pearson, City Engineer; Jim Topitzhofer, Recreation Services Director; and Jared Voto, Executive Aide/Analyst.

Item #1	PAVEMENT MANAGEMENT PROGRAM
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Kristin Asher, Public Works Director, provided an overview of the topics for the evening.

Jeff Pearson, City Engineer, presented the 6-year Accelerated Mill and Overlay program with a map of the areas completed and upcoming in 2018-2020. Mr. Pearson discussed past pavement preservation practices, Chip Seal Surface Treatment, and the concerns staff has had with this practice. Mr. Pearson discussed a new technology, Reclamite – a maltene-based rejuvenator, how it is applied and its use in other cities. Lastly, Mr. Pearson provided an overview of the budget and actuals for the mill and overlay program and the cost of using of Reclamite in maintaining the streets and recommended using Reclamite in place of chip seal and evaluating its performance over time.

Councilmembers asked about the timing of the mill and overlay bids. Mr. Pearson responded bid opening is on March 8 and will be brought to Council on March 27.

Item #2	ORANGE LINE UPDATE
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Mr. Pearson presented information on the 66th Street and International Boulevard (76th Street) stations including station furnishings and layout. Mr. Pearson also presented and discussed the Knox Avenue Transitway that crosses I-494.

Councilmember Howard asked about funding of the project. Mr. Pearson responded the project depends on federal funds and the project will not proceed until funding is received.

Item #3	77TH STREET UNDERPASS BRIDGE AESTHETICS
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Mr. Pearson presented three bridge aesthetic concepts for the 77th Street Underpass and asked Council for their opinion.

Mayor Elliot preferred concept #3.

Councilmember Regan Gonzalez preferred concept #1.

Councilmember Howard like concept #1 and #3.

Councilmember Trautmann preferred concept #1.

Councilmember Garcia preferred concept #1.

The majority preferred concept #1 and staff would pass that information onto the consultant.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:55 p.m.

Date Approved: March 13, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

February 27, 2018

CALL TO ORDER

The meeting was called to order by Mayor Elliott at 7:00 p.m. in the Council Chambers.

Councilmembers Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann.

Staff Present: Steven L. Devich, City Manager; Mary Tietjen, City Attorney; Pam Dmytrenko, Assistant City Manager/HR Manager; John Stark, Community Development Director; Kristin Asher, Public Works Director; Jim Topitzhofer, Recreation Services Director; and Jared Voto, Executive Aide/Analyst.

OPEN FORUM

None.

PLEDGE OF ALLEGIANCE

Mayor Elliott led the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Garcia, S/Howard to approval of the minutes of the: (1) Special City Council work session of February 13, 2018; and (2) Regular City Council meeting of February 13, 2018.

Motion carried 5-0.

Item #1

FRIENDS OF THE RICHFIELD BAND SHELL DRAWING FOR A LEGACY BRICK AT THE NEW BAND SHELL

Rick Jabbs presented information on the bricks available for purchase and Mayor Elliott drew the winner: Barbara Pugh, 7545 Portland Avenue S.

Item #2	COUNCIL DISCUSSION <ul style="list-style-type: none"> • Hats Off to Hometown Hits
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Councilmember Regan Gonzalez read a proclamation for Tibet Day in the city of Richfield on March 10, 2018.

Mayor Elliott spoke regarding his opportunity to read a book for “Read Week” at Centennial Elementary.

Councilmember Garcia spoke regarding the indoor farmers market on March 1; the Richfield Historical Society’s Historical Forum on March 21 at the Community Center; and the 66th Street Reconstruction Kickoff on March 14 at the Richfield Municipal Center.

Councilmember Trautmann spoke regarding the Friends of Wood Lake (FOWL) annual gala on April 27 and mentioned the FOWL Board has openings and people can contact him if they are interested in volunteering.

Councilmember Howard spoke regarding the Star Tribune named Richfield the hottest real estate market for the second year in a row and thanked everyone who attended and provided feedback at the open house for Lyndale Avenue.

Councilmember Regan Gonzalez thanked the fire and police departments for their response to the traffic accident at 73rd and Nicollet and spoke regarding the Richfield R.E.A.D.Y. networking breakfast on March 7 at the Community Center.

Item #3	APPROVAL OF THE AGENDA
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M/Elliott, S/Trautmann to approve the agenda.

Motion carried 5-0.

Item #4	CONSENT CALENDAR
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City Manager Devich presented the consent calendar.

- A. Consideration of the approval authorizing the City Manager to execute a site lease agreement for antenna space on City Hall monopole to Verizon Wireless, LLC. (S.R. No. 36)
- B. Consideration of the approval of a contract to Cedar Ridge Landscaping in the amount of \$1,132,055 and authorize the City Manager to approve contract changes under \$100,000. (S.R. No. 37)
- C. Consideration of the approval of a policy for residents choosing to replace their radio water meter with a manual water meter. (S.R. No. 38)
- D. Consideration of the approval a purchase order for three (3) Ford Interceptor SUV's for the Public Safety Department. (S.R. No. 39)
- E. Consideration of the approval of a resolution supporting proposed state law that provides limited liability to commercial salt applicators that receive certification through an established voluntary salt applicator program as offered through the Minnesota Pollution Control Agency (MPCA). (S.R. No. 40)

RESOLUTION NO. 11478
 RESOLUTION SUPPORTING STATE LAW THAT PROVIDES LIMITED
 LIABILITY TO COMMERCIAL SALT APPLICATORS THAT ARE
 CERTIFIED THROUGH AN ESTABLISHED VOLUNTARY SALT
 APPLICATOR CERTIFICATION PROGRAM

This resolution appears as Resolution No. 11478.

- F. Consideration of the approval of a resolution modifying the establishment of the Richfield Transportation Commission. (S.R. No. 41)

RESOLUTION NO. 11479
 RESOLUTION MODIFYING THE ESTABLISHMENT OF THE
 RICHFIELD TRANSPORTATION COMMISSION

This resolution appears as Resolution No. 11479.

- G. Consideration of the approval of the first reading of an ordinance amendment to the Richfield City Code Appendix D Exhibit A (Construction and Related Permit Fees and Charges) to provide building permit fee reductions to affordable housing developments and schedule a public hearing and second reading for March 13, 2018. (S.R. No. 42)

M/Garcia, S/Regan Gonzalez to approve the consent calendar.

Motion carried 5-0.

Item #4	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #6	CONSIDERATION OF THE APPROVAL OF A SECOND READING OF AN ORDINANCE AMENDING SUBSECTION 210.01 OF THE CITY CODE RELATED TO CITY COUNCIL SALARIES. (S.R. NO. 43)
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Councilmember Garcia presented Staff Report No. 43.

M/Garcia, S/Elliott to approve the second reading of the ordinance amending Subsection 210.01 of the City Code related to City Council salaries.

Motion carried 5-0.

Item #7	CONSIDERATION OF THE APPROVAL OF A RESOLUTION APPROVING THE CONTRACT WITH THE POLICE OFFICERS AND DETECTIVES LELS LOCAL 123 FOR THE CONTRACT PERIOD JANUARY 1, 2018 THROUGH DECEMBER 31, 2019 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT. (S.R. NO. 44)
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Councilmember Regan Gonzalez presented Staff Report No. 44.

M/Regan Gonzalez, S/Elliott to adopt a resolution approving the provisions of the 2018-2019 labor agreement with the Police Officers and Detectives LELS Local 123 bargaining unit and authorize the City Manager to execute the agreement.

RESOLUTION NO. 11480
RESOLUTION APPROVING LABOR AGREEMENT BETWEEN THE
CITY OF RICHFIELD AND LAW ENFORCEMENT LABOR SERVICES
(LELS), LOCAL 123 BARGAINING UNIT FOR THE YEARS 2018 AND
2019

Motion carried 5-0. This resolution appears as Resolution No. 11480.

Item #8	CONSIDERATION OF THE APPROVAL OF GUIDELINES FOR THE PENN CENTRAL FACADE IMPROVEMENT GRANT PROGRAM. (S.R. NO. 45)
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Councilmember Trautmann presented Staff Report No. 45.

Councilmember Garcia asked when the improvements could start and commented that she appreciated the list of what businesses can and cannot do.

Community Development Director Stark stated they could start tomorrow.

Councilmember Howard asked how they were going to communicate and do outreach to the business owners.

Community Development Director Stark stated they would reach out to the Chamber of Commerce, the Penn Central group, and would be at Open Streets on Penn Fest if there are funds still available in September.

M/Trautmann, S/Howard to approve the guidelines for the Penn Central Facade Improvement Grant Program and authorize staff to enter into Grant Agreements with eligible applicants.

Motion carried 5-0.

Item #9	CONSIDERATION OF APPROVAL OF BID TABULATION AND AUTHORIZE CONSTRUCTION CONTRACT FOR THE PENN AVENUE LIQUOR STORE REMODEL AND UPGRADE. (S.R. NO. 46)
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Mayor Elliott presented Staff Report No. 46.

Mike Klass, Wold Architects, presented pictures of the existing store, the new floor plan, and concepts of the new interior and exterior of the store.

M/Elliott, S/Howard to approve bid minutes and tabulation and authorize a construction contract with Ebert Construction Inc. in the amount of \$807,000.

Motion carried 5-0.

Item #10	CITY MANAGER'S REPORT
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City Manager Devich mentioned the Mayor and Councilmember salaries were both below the average of other cities listed by approximately 12% and 9%, respectively.

Item #11	CLAIMS AND PAYROLLS
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M/Garcia, S/Elliott that the following claims and payrolls be approved:

U.S. Bank	02/27/18
A/P Checks: 265917 - 266298	\$ 907,395.61
Payroll: 133808-134147; 134489-134826; 42792-42793	<u>1,383,941.62</u>
TOTAL	\$ 2,291,337.23

Motion carried 5-0.

OPEN FORUM

None.

Item #13	ADJOURNMENT
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The meeting was adjourned by unanimous consent at 7:51 p.m.

Date Approved: March 13, 2018

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



STAFF REPORT NO. 47
CITY COUNCIL MEETING
3/13/2018

REPORT PREPARED BY: Chris Link, Operations Superintendent

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
3/8/2018

OTHER DEPARTMENT REVIEW: Mike Dobesh, Assistant Fire Chief

CITY MANAGER REVIEW: Steven L. Devich, City Manager
3/8/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of the purchase of a Fire Pumper Chassis for \$199,884 in 2018 and a Fire Pumper Body for \$292,860 in 2019, totaling \$492,744, from Rosenbauer Firefighting Technology.

EXECUTIVE SUMMARY:

The Richfield Fire Department staff utilize two fire pumper vehicles on a daily basis. The vehicle to be purchased will be the primary truck housed at Fire Station 2 for all fire calls. The current vehicle responds to over 1,700 calls (fire and medical) per year.

Replacement schedules are set for each piece of equipment and vehicle once purchased. Fire Pumpers have been set to be replaced every 16 years. Replacement schedules are set for each piece of equipment and vehicle once purchased. The following are taken into consideration when deciding on when to replace vehicles:

- Year of purchase: previous Fire Pumper Chassis purchased in 2002
- Replacement date/depreciation: 2018
- History of repairs
- Technology upgrades
- Mileage/hours of operation: 100,281 miles/8682.9 hours

A task force comprised of fire line personnel and staff prepared specifications and reviewed proposals for this purchase. Because of the large total cost of this vehicle, staff will purchase parts of the truck over two years.

RECOMMENDED ACTION:

By motion: Approve the purchase of a Fire Pumper Chassis for \$199,884 in 2018 and a Fire Pumper Body for \$292,860 in 2019, totaling \$492,744.00, from Rosenbauer Firefighting Technology.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Replacement schedules are set for each piece of equipment and vehicle once purchased. The following are taken into consideration when deciding on when to replace vehicles:

- Year of purchase (previous Fire Pumper Chassis purchased in 2002)
- Replacement date/depreciation: 2018

- History of repairs
- Technology upgrades
- Mileage/hours of operation: 100,281 miles/8682.9 hours

A task force comprised of fire line personnel and staff prepared specifications and reviewed proposals for this purchase. Because of the large total cost of this vehicle, staff will purchase parts of the truck over two years.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- The City of Richfield currently purchases vehicles using cooperative sources. The Houston Galveston Area Council (HGAC) Purchasing Program is one of these sources. The Fire Pumper Chassis and Body will be purchased through the HGAC.
- When the purchase of materials, merchandise, equipment, or construction exceeds \$100,000 authority to purchase shall be submitted to the City Council for consideration.

C. CRITICAL TIMING ISSUES:

- Approval at this meeting will ensure delivery of the vehicle in the years in which it is budgeted.

D. FINANCIAL IMPACT:

- The 2018 Budget includes \$200,000 for the purchase of a Fire Pumper Chassis.
- The Revised 2018/Proposed 2019 Budget will include \$292,860 for the purchase of a Fire Pumper Body.

E. LEGAL CONSIDERATION:

- The City Attorney will be available to answer questions.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

Fire Department staff will be available for any questions regarding this piece of equipment.



STAFF REPORT NO. 48
CITY COUNCIL MEETING
3/13/2018

REPORT PREPARED BY: Taylor Burandt, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director
3/6/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
3/7/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a resolution supporting projects impacting the City of Richfield that were submitted to the Minnesota Department of Transportation's Corridors of Commerce program.

EXECUTIVE SUMMARY:

The Minnesota Department of Transportation (MnDOT) received nominations for their Corridors of Commerce program. The next step is evaluating and scoring each project nomination. In order for a project nomination to receive full points in the project support category, each city impacted by a nominated project needs to submit a resolution of support for the project(s). A resolution for support for the project(s) will not replace any needed future municipal consent requirements, should a project be selected for the program.

The projects submitted that impact Richfield are:

- Add eastbound auxiliary lane on I-494 from TH100 to I-35W
- Add eastbound auxiliary lane on TH62 from I-35W to TH77
- Add MnPASS lane on I-494 in each direction from TH212 in Eden Prairie to TH5 at MSP Airport
- Add a MnPASS lane on I-494 in each direction from west of the I-35W interchange to the west ramps at TH77, and add a MnPASS lane eastbound, only from the France Ave. exit to I-35W
- Expand I-494 by two lanes from Highway 100 to Highway 77 and rebuild
- Expand TH62 from two lanes to four lanes from Tracy Blvd. to I-35W
- Phase I - I-35W and I-494 interchange turbine interchange improvements, north bound to west bound flyover ramp
- Phase I - I-35W and I-494 interchange turbine interchange improvements, eastbound between France Ave. and I-35W (1.4 miles of auxiliary lane)
- Phase I - I-35W and I-494 interchange turbine interchange improvements: eastbound I-494 between France Ave. and I-35W (1.4 miles of auxiliary lane), and eastbound I-494 between East Bush Lake Road and TH100 (0.5 miles of auxiliary lane)
- Add auxiliary lanes on TH62 in each direction from TH77 to Portland Ave.
- Add lanes on TH62 in each direction from Penn Ave. to TH169
- Close loop ramp from westbound Highway 62 to southbound Highway 77, and reconstruct westbound ramp and traffic signal on Highway 77 to accommodate westbound Highway 62 to southbound Highway 77.

RECOMMENDED ACTION:

By motion: Approve a resolution supporting projects impacting the City of Richfield that were submitted by multiple agencies to the Minnesota Department of Transportation's Corridors of Commerce program.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

January 23, 2018 City Council Meeting

City Council adopted a resolution of support to submit projects for the Corridors of Commerce program, staff submitted the following projects:

- TH 62 Auxiliary Lanes in each direction from Portland Ave. to Highway 77
- TH 62 Auxiliary Lanes in each direction from Penn Ave. to Highway 169
- Ramp modifications at Crosstown/TH 77 Interchange

Program Background

The Corridors of Commerce program was created in 2013 by the Minnesota Legislature and administered by the Minnesota Department of Transportation (MnDOT). The purpose of the program is to allocate highway bonds for the construction, reconstruction, and improvement of trunk highways that are not already in the State Transportation Improvement Program. Specifically, the program aims to:

- Provide additional highway capacity on segments where there are currently bottlenecks.
- Improve movement of freight and reduce barriers to commerce.

MnDOT will select \$400 million of projects in this round of Corridors of Commerce.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Corridors of Commerce Resolution of Support of Nominations, adopted January 23, 2018, at the Richfield City Council meeting.
- Minnesota Statute 161.088 details the Corridors of Commerce program.

C. CRITICAL TIMING ISSUES:

- The resolutions of support from impacted cities are due to MnDOT by April 16, 2018.

D. FINANCIAL IMPACT:

- There are no financial impacts or commitments in supporting the submitted projects.

E. LEGAL CONSIDERATION:

- The City Attorney will be available for questions.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

Description	Type
□ Resolution	Resolution Letter
□ Project List	Backup Material

RESOLUTION NO.

RESOLUTION APPROVING SUBMITTED PROJECTS TO THE STATE OF MINNESOTA'S 2018 CORRIDORS OF COMMERCE PROGRAM THAT IMPACT THE CITY OF RICHFIELD

WHEREAS, in 2013 the Corridors of Commerce program was created and authorized \$300 million in bonding for projects not already in the State Transportation Improvement Program. In 2014 an additional \$31.5 million was authorized, and now the 2017 the Minnesota Legislature funded the Corridors of Commerce program by authorizing up to a total of \$400 million for the construction, reconstruction, and improvement of trunk highways for this round of the program; and

WHEREAS, The Minnesota Department of Transportation (MnDOT) received nominations for the Corridors of Commerce program. Each city impacted by a nominated project needs to submit a resolution of support for the project(s) in order for the project to be eligible for full points; and

WHEREAS, the City of Richfield and other communities have nominated projects for consideration that will impact the City.

NOW, THEREFORE BE IT RESOLVED, that the City of Richfield supports the following projects under the 2018 Corridors of Commerce Program:

- Add eastbound auxiliary lane on I-494 from TH100 to I-35W
- Add eastbound auxiliary lane on TH62 from I-35W to TH77
- Add MnPASS lane on I-494 in each direction from TH212 in Eden Prairie to TH5 at MSP Airport
- Add a MnPASS lane on I-494 in each direction from west of the I-35W interchange to the west ramps at TH77, and add a MnPASS lane eastbound, only from the France Ave. exit to I-35W
- Expand I-494 by two lanes from Highway 100 to Highway 77 and rebuild
- Expand TH62 from two lanes to four lanes from Tracy Blvd. to I-35W
- Phase I - I-35W and I-494 interchange turbine interchange improvements, north bound to west bound flyover ramp
- Phase I - I-35W and I-494 interchange turbine interchange improvements, eastbound between France Ave. and I-35W (1.4 miles of auxiliary lane)
- Phase I - I-35W and I-494 interchange turbine interchange improvements: eastbound I-494 between France Ave. and I-35W (1.4 miles of auxiliary lane), and eastbound I-494 between East Bush Lake Road and TH100 (0.5 miles of auxiliary lane)
- Add auxiliary lanes on TH62 in each direction from TH77 to Portland Ave.
- Add lanes on TH62 in each direction from Penn Ave. to TH169
- Close loop ramp from westbound Highway 62 to southbound Highway 77, and reconstruct westbound ramp and traffic signal on Highway 77 to accommodate westbound Highway 62 to southbound Highway 77.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of March, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



February 16, 2018

Jeff Pearson
Richfield City Engineer
City of Richfield
6700 Portland Avenue
Richfield, MN 55423

Attention Local Government:

Recently the Minnesota Department of Transportation received recommendations from stakeholders and the public for projects to be considered for its 2018 Corridors of Commerce program. From among those recommended projects, MnDOT will award \$400 million to selected projects across the State. You are receiving this letter because you have been identified as a local government that would be impacted by one or more of the recommended projects.

As a part of the scoring criteria for the Corridors of Commerce program, **all** cities and counties which would be touched by the suggested project need to have a resolution of support for the project in order for that project to receive 45points in the "Community Consensus" category. Projects which do not receive a resolution of support from all governments are not disqualified from the program, but they will not receive 45points out of total of 700 from this criteria, which will put them at a distinct disadvantage in the scoring.

Enclosed with this letter is a list of regionally submitted projects for the program. Projects highlighted in yellow have been identified as impacting your government specifically. MnDOT will need to receive a resolution of support for those highlighted projects from you by April 16, 2018 in order for the project to be eligible to receive the 45-points in the Community Consensus category. A resolution of support for the project/s will not replace any needed future municipal consent requirements, should the project be selected for the program. MnDOT is not requesting any specific language in the resolution and you are free to reference multiple projects in a single resolution. MnDOT's goal is to minimize the amount of administrative effort on your part. However, the resolution of support needs to reference the specific project/s attached and cannot be generic support for transportation improvements.

Once you have completed a resolution of support for the projects, you can either send it or e-mail it to me at one of the addresses below;

Patrick Weidemann
MnDOT Office of Transportation System Management
395 John Ireland Blvd., MS 440
St. Paul, MN 55155

Or

E-mail: pat.weidemann@state.mn.us

You are welcome to submit the resolution of support at any time, but it must be in our office by the 4:30 p.m. on April 16 for it to count towards receiving the 45-points. If you have already submitted a resolution of support for the project/s, you can disregard this letter. If you choose to not support a project/s on the list, you do not need to take any action on that project/s. If we do not have a resolution in support of a listed project/s by the deadline date, the project will not be receiving the 45-points.

MnDOT appreciates your assistance with this process. If you have any questions or concerns, please do not hesitate to give me a call.

Sincerely,

Patrick J. Weidemann
Director of Capital Planning and Programming
MnDOT Office of Transportation System Management
(651) 366-3758
pat.weidemann@state.mn.us

Metro District
Corridors of Commerce Recommendations

District	Name (First)	Name (Last)	State Highway	Location Description	Project Type
M	Ben	Nelson	10/169	Ramsey/Anoka city limit, signal to interchange at Thurston Avenue, signal to overpass at Fairoak Avenue, interchange modifications at W. Main Street, to east of W. Main Street interchange plus supporting roadway improvements	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Emily	Jorgensen	36	The intersection of Trunk Highway 36 and County Road 17 (Lake Elmo Avenue).	Convert a signalized intersection on the roadway into an interchange.
M	Emily	Jorgensen	36	Intersection of TH 36 and TH 120 (Century Avenue).	Convert a signalized intersection on the roadway into an interchange.
M	Emily	Jorgensen	97	4 lane expansion of TH 97 from I-35 to Hwy 61 in Forest Lake.	Expand the roadway from two lanes to four lanes and intersection control to maintain local access.
M	Stephen	Mann	I-35W	When exiting I-694 east to I-35W northbound, the merge lane is pretty rough and you have to mix with traffic entering the cloverleaf to go west on 694. Also, traffic going from west 694 to north 35W have to merge. Suggestion would be to modify it from under the bridge and add an "exit only" lane from 35W to Hwy 96. Driving this daily, so i know it would alleviate choke points. By the way, I love the X-bridge on 96 over 35W! (I live near St. Cloud and frequently use the same style bridge over Hwy 15 by Sam's Club in north St. Cloud!)	Other: Add an exit only lane to help merging traffic at 35W North of 694
M	Frank	Pafko	I-494	TH100 to I-35W	Other: Add an EB auxiliary lane from TH 100 to I-35W.
M	Frank	Pafko	I-35W	I-35W / I-694 System Interchange	Other: Add flyover ramp from NB I-35W to WB I-694.
M	Frank	Pafko	36	Cleveland Avenue to I-35E	Other: Add an EB Lane from the lane drop at Cleveland to the I35E interchange, on the median side.
M	Joseph	Reichert	36	Manning Ave	Convert a signalized intersection on the roadway into an interchange.
M	Joe	Triplett	8	Approximately TH 61 in Forest Lake up to and including the intersection of Karmel Avenue in Chisago City.	Expand the roadway from two lanes to four lanes.
M	Paul	Oehme	101	reconstruction and expansion of TH 101 from 2 lane rural section to 4 lane divided urban section is approximately 1.1 miles.	Expand the roadway from two lanes to four lanes.
M	Frank	Pafko	I-94	W.B I-94 from the TH610 on ramp to the auxiliary lane leading to N.B TH101. Maple Grove to Rogers.	Other: Add a lane between termini listed above.
M	Tony	Fischer	62	I-35W to TH 77	Other: add an eastbound auxiliary lane
M	Tony	Fischer	I-94	Fish Lake interchange to Maple Grove Parkway	Other: add an auxiliary lane in each direction from the west ramps of the Fish Lake interchange to the east ramps at Maple Grove Parkway
M	Tony	Fischer	I-494	TH 212 in Eden Prairie to TH 5 at MSP Airport	Other: add a MnPASS lane to each direction
M	Tony	Fischer	I-494	West of France Ave to TH 77	Other: add a MnPASS lane to each direction from west of the I-35W interchange to the west ramps at TH 77 and add a MnPASS lane to eastbound only from the France Ave exit to I-35W
M	Tony	Fischer	I-35W	TH 36 to Mississippi River	Other: add a MnPASS lane to southbound only using performance based design (avoid major bridge impacts like the I-35W Urban Partnership Agreement project did)
M	Tony	Fischer	I-94	TH 52 westbound entrance to Jackson St/12th St exit	Other: add a westbound only buffer lane beginning with widening the TH 52 entrance to 2 lanes before entering I-94, carry new lane to drop at the exit to the northbound I-35E exit, extend current auxiliary lane to drop at the Jackson St/12th St exit
M	Tony	Fischer	I-94	from west Jct with I-35E to 5th/6th St entrance	Other: add a westbound only lane from the west junction of I-35E (decision lane with right lane to southbound I-35E) to tie into the 4-lane section at the entrance from 5th/6th St out of downtown St. Paul
M	Tony	Fischer	I-94/280	system interchange of I-94 and TH 280 up to local interchange of TH 280 with Franklin Av	Other: reconstruct system interchange of I-94/TH 280 and local interchange of TH 280/Franklin Av to provide southbound TH 280 access to the Cretin Av exit, eliminate/replace left side I-94 ramps and revise the Franklin Av interchange for better freight connections
M	Tim	Markfort	252	Extend the 3rd lane between Brookdale and 610 ramp in both directions. It makes no sense why there are only two lines for this approximate mile of road.	Other: Make Hwy 252 three lanes the entire length

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M	Tim	Markfort	10	Make hwy 10 three lanes from about 85th (where it reduces to two lanes) to hwy 35W both directions. When headed North on Hwy 10 three lanes of inbound traffic get compressed into two lanes for about an mile and then it opens to three lanes. When headed South on Hwy 10 towards 35W it goes from four lanes to three and then around 85th it reduces to two lanes for about a mile until the left exit lane starts for 35W North. Please expand this section to three lanes.	Other: Make Hwy 10 in Blaine at least three lanes in each direction
M	Tim	Markfort	252	Remove the stop light on 252 at 70th. Replace it with a pedestrian overpass for the bus stop. The interchange was closed over the summer and it made Hwy flow much smoother.	Other: Disconnect 70th street from Hwy 252 in Brooklyn Center
M	Michael	Mady	77	Provide a flyover from northbound MN 77 (Cedar Avenue) to westbound MN 62 (Crosstown). This is an outdated clover leaf, a bottleneck, and is dangerous for drivers of all kinds of vehicles.	Other: Fly over
M	Michael	Markell	494	From Highway 100 to highway 77	Other: Expand the freeway by 2 lanes, rebuild the 494
M	Jeanne	Markell	62	From Tracy to 35W	Expand the roadway from two lanes to four lanes.
M	Joseph	Klein	1-94	From I-35W junction in Minneapolis to I-35E junction in St. Paul	Add a MnPASS lane to the roadway.
M	Todd	Wagner	36	North St. Paul to St. Croix River Bridge	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Todd	Wagner	110	Mendota to Inver Grove Heights	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	John	Hokkanen	212	US 212, Chaska, from Carver County 11, Jonathan Carver Parkway, to Norwood Young America, County Road 34	Expand the roadway from two lanes to four lanes.
M	Ron	Hippen	101	Southbound on Highway 101 in Rogers from Diamond Lake road to I-94 east and west bound.	Convert a signalized intersection on the roadway into an interchange.
M	Tracy	French	10	The ramp from 35W southbound to approximately County Road J W	Other: Make the ramp from 35W Southbound onto Highway 10 Westbound extend all the way to where Highway 10 changes from 2 lanes going west to 3 lanes. This would avoid the traffic from southbound having to merge with the traffic from northbound and help eliminate the northbound traffic from backing up onto 35W Northbound causing significant traffic delays and accidents.
I	Matthew	Loyas	61	Highway 61 in Saint Paul from Warner Road to thousand feet south of Warner Road	Other: Lengthen the left turn lanes from Highway 61 onto Warner Road. A lot of commercial trucks turn left there. They go slow and bog down Highway 61 north bound traffic approaching I-94.
M	Lisa	Freese	169	TH 169 MnPASS from CH 21 to I-494 northbound and spot mobility improvements southbound (reduced scope project identified in 169 Mobility Study as Stage A) Stage A improvements include: i. Northbound (NB) TH 169 - initial NB TH 169 MnPASS lane ii. Southbound (SB) TH 169 - restripe TH 101 exits as center decision lane instead of right lane add and 2-2 split iii. SB TH 169 - connect Pioneer on-ramp auxiliary lane to downstream 3-lane section iv. SB TH 169 - merge westbound I-494 into 2 lanes and then add separated CD road from eastbound (EB) I-494 into 3rd lane	Add a MnPASS lane to the roadway.
M	Lisa	Freese	169	TH 169 MnPASS from Marschall Road (CSAH 17) to I-494 Full MnPASS on both the northbound and southbound directions includes Stages A, D & E from the 169 Mobility Study Implementation Plan	Add a MnPASS lane to the roadway.
M	Lisa	Freese	13	The proposed project includes the construction of a grade separation, connecting frontage roads, and access ramps at the intersection of TH 13 and Dakota Ave. in the city of Savage, Scott County. The project limits are from west of Dakota Ave. to east of Yosemite Ave. The project will provide a supporting road network that removes direct access to TH 13 and offers alternate routes and safer access to TH 13 for truck traffic generated from the adjacent Ports of Savage and industrial uses. The supporting road network and the underpass connecting Dakota Ave. will facilitate movement across TH 13 and allow for right-in right-out access through the use of access ramps on to TH 13 at Yosemite Ave.	Add a new interchange to the roadway.
M	Tony	Fischer	1-94/252/I-694	TH 610 on TH 252 through the Dowling Ave interchange on I-94	Expand the roadway from two lanes to four lanes.

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M	John	Doan submitting on behalf of the TH 252/194 Corridor Policy Advisory Committee	252	TH 252 from 194/I-694 to TH 610	Other: Convert TH 252 from a signalized expressway to a limited access freeway with interchanges at 66th Ave N, Brookdale Dr. and 85th Ave N. Add MnPASS lane along northbound TH 252 from I-94 to TH 610. Access closures at 70th Ave N, 73rd Ave N and Humboldt/81st Ave N.
M	Lisa	Freese	13	The proposed project includes the construction of a grade separation, connecting frontage roads, street closures, and access ramps near the intersection of TH 13 and Chowen Ave. near the city boundary of Savage and Burnsville in Scott and Dakota Counties. The project limits are from Quentin Ave. to Washburn Ave.	Add a new interchange to the roadway.
M	Tyler	Hamilton	13	From the interchange with Highway 169 east of Shakopee to the interchange with MN-77 Near the Red Line and "Twin Cities Premium Outlets" should all be a grade-separated/access controlled freeway. Far too much unnecessary congestion and accidents that could be prevented and lots of truck traffic.	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Lyndon	Robjent	5	Trunk Highway 5 from Rolling Acres Road in Victoria to TH 41 in Chanhassen	Expand the roadway from two lanes to four lanes.
M	Tom	Nikunen	169	The intersection of Highway 169, Highway 282, and Scott County Road 9.	Convert a signalized intersection on the roadway into an interchange.
M	Mark	Krebsbach	77	Northbound Trunk Highway 77 from 140th Street in Apple Valley to Old Shakopee Road in Bloomington.	Add a MnPASS lane to the roadway.
M	Mark	Krebsbach	55	West Junction of CSAH 42 in Rosemount to Hastings City Line	Expand the roadway from two lanes to four lanes.
M	Bob	Jackson	61	Project 1 of Making 61 a Freeway: Put an interchange in at highway 61 and highway 10	Add a new interchange to the roadway.
M	Bob	J	61	Project 2 of Making 61 a Freeway: Put an interchange in at highway 61 and highway 95	Convert a signalized intersection on the roadway into an interchange.
M	Bob	J	61	Project 3 of Making 61 a Freeway: Put an interchange in at highway 61 and Afton Road	Add a new interchange to the roadway.
M	Bob	J	61	Project 4 of Making 61 a Freeway: Put an interchange in at highway 61 and Warner and Burns roads	Add a new interchange to the roadway.
M	John	Zimmerman	101	S Diamond Lake Rd to I-94 in Rogers	Other: Add flyover bridge for SB Hwy 101 traffic to access I-94 and avoid two stoplights, just like the NB Hwy 101 flyover bridge.
M	Kathryn	Sarnecki	156	TH-156 (new intersection with access to Barge Channel Road) between US 52 and Annapolis Street East	Redesigning the intersection with Barge Channel Road and the at-grade, mainline rail crossing at that location.
M	Jen	Whittington	65	109th Ave in Blaine	Convert a signalized intersection on the roadway into an interchange.
M	Jen	Whittington	65	117th Ave in Blaine	Convert a signalized intersection on the roadway into an interchange.
M	Jen	Whittington	65	just south of 105th Ave to north of 117th Ave in Blaine	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Jen	Whittington	65	Highway 10 through 117th Ave in Blaine	Convert a section of roadway into freeway design with interchange accesses (instead of signals or stop signs).
M	Jen	Whittington	65	Both signals at the Highway 10/Highway 65 interchange in Blaine	Other: Remove both signals at the highway 10/highway 65 interchange and make the interchange operate with a free flow design
M	Karl	Keel	I-35W/I-494	I-35W/I494 Interchange Turbine Interchange Improvements - Phase I, \$85M	Other: Interchange improvements for safety, capacity and reducing the bottlenecks at the interchange, for the efficient movement of freight. Phase I - North bound to West Bound flyover ramp
M	Karl	Keel	I-35W/I-494	I35W/I494 Interchange Turbine Interchange Improvements - Phase I, \$85M plus, Eastbound I494 between France Ave. and I35W (1.4 miles of Auxiliary lane) from the I494/TH62 Congestion Relief Study, \$12.9M	Other: Improvements for the safety, capacity and reducing the bottlenecks for the efficient movement of freight.

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M	Karl	Keel	I-35W/I-494	I35W/1494 Interchange Turbine Interchange Improvements - Phase I, \$85M plus, Eastbound I-494 between France Ave. and I-35W (1.4 miles of Auxiliary lane) from the I494/TH62 Congestion Relief Study, \$12.9M plus, Eastbound I-494 between East Bush lake Road and TH100 (0.5 miles of Auxiliary lane) from the I494/TH62 Congestions Relief Study, \$2.2 M.	Other: Improvements for the safety, capacity and reducing the bottlenecks for the efficient movement of freight.
M	David	Roden	I-694	Southbound I-694 to I-94 Eastbound	Other: Change the current cloverleaf type ramp to a flyover ramp.
M	Kristin	Asher	62	Add lanes on TH 62 in each direction from TH 77 to Portland Avenue to continue Crosstown Commons Improvements.	Other: Add auxiliary lanes on TH 62 in each direction from TH 77 to Portland Avenue to continue Crosstown Commons improvements.
M	Kristin	Asher	62	Add lanes on TH 62 in each direction from Penn Avenue to TH 169 to continue Crosstown Commons improvements.	Other: Add lanes on TH 62 in each direction from Penn Avenue to TH 169 to continue Crosstown Commons improvements.
M	Kristin	Asher	62/77	Close loop ramp from westbound Highway 62 to southbound Highway 77, and reconstruct ramp and traffic signal to accommodate westbound Highway 62 to southbound Highway 77. These ramp modifications will improve the northbound to westbound traffic movement.	Other: Close loop ramp from westbound Highway 62 to southbound Highway 77, and reconstruct westbound ramp and traffic signal on Highway 77 to accommodate westbound Highway 62 to southbound Highway 77. These ramp modifications will improve the northbound to westbound traffic movement.
M	wayne	johnson	I-35E/I-35W	35E - 35W split in the north Metro - Columbus Township to Highway 97 exit to Forest Lake / Columbus twp	Other: Recommend 4 lanes - 2 from 35E and 2 from 35W, then far right lane becomes exit only for Highway 97 exit to Forest Lake
M	Joseph	Lux	36	Construct MnPASS managed lanes between I-35W and I-35E, in both directions, as identified in the MnPASS Phase 3 study.	Add a MnPASS lane to the roadway.
M	John	Hagen	I-94	Intersection of I-94 and TH 610	Other: The proposed project includes an access from westbound TH 610 to eastbound I-94 - including a bridge over the TH 610 connection to I-94 and bridges over I-94, an access from westbound I-94 to the future westbound CSAH 610, and connections between TH 610 and the future CSAH 610. This project will also include an auxiliary lane on I-94 between Maple Grove Parkway and the south ramps of the proposed I-94 and Brockton Lane interchange to improve traffic flow and safety elements.
M	Abigail	Whelan	10	The intersections of Fairok and Hwy 10 in Anoka, and the intersection of Thurston and Hwy 10 in Anoka.	Other: The project will reduce corridor delays by 75 percent by eliminating all at-grade access points and signals. It also will result in a 57 percent reduction in crashes, enhancing the safety, reliability and efficiency of the movement of people, goods and services.
M	Steve	Kummer	36	35W to 35E	Other: Expand Highway 36 from 4 to 6 lanes from 35W/Cleveland to 35E along median. 1) Reconfigure existing "circle" ramp entrance from 35W/Cleveland south to increase speed of entering traffic; 2) Fix drainage/flooding problem at 36/Fairview interchange (Up to 4 feet of water during large events); 3) Provide aux lane for entering traffic from Snelling to 36 interchange; use median to separate merging traffic from Snelling Ave; 4) Expand Snelling/Co Rd B intersection -- increase L/T lane lengths on EB Co Rd B leading to Snelling; 4) Provide longer taper for on ramps from hamline in both EB and WB directions instead of relying on aux exit lane for merging traffic; 5) shorten Dale St entrance to WB 36 -- why is the length of the ramp is necessary? Use for stormwater mitigation; 6) rebuild rail bridge over 36 just W of 35E -- increase span length to accommodate a longer ramp taper from 35E SB entering 36 WB
M	Virginie	Nadimi	55	TH 55 (Hiawatha Avenue) at Hennepin County Road 4 (Lake Street) interchange.	Other: Reconfigure the existing interchange at Hiawatha Avenue (Trunk Highway 55) and Lake Street (Hennepin County State Aid Highway 3) from a Single Point Urban Interchange to a Tight Diamond Interchange.



STAFF REPORT NO. 49
CITY COUNCIL MEETING
3/13/2018

REPORT PREPARED BY: Jim Topitzhofer, Recreation Services Director

DEPARTMENT DIRECTOR REVIEW: Jim Topitzhofer, Recreation Services Director
3/6/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
3/7/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the adoption of the City of Richfield Sustainable Purchasing Policy.

EXECUTIVE SUMMARY:

The Green Team is a group of Richfield staff that is focused on promoting, educating, researching, and implementing environmentally friendly policies, practices, and considerations for the City of Richfield. One of their recent accomplishments is the development of a sustainable purchasing policy to guide the selection of goods and services that have minimal impact on the environment. The City recognizes that every purchased product or service affects the environment throughout its lifecycle – from the extraction of raw materials, the manufacturing and transportation of products, to their use and disposal. Careful purchasing decisions use natural resources more efficiently, can lead to significant savings, protect our environment, and increase demand for better products. Specifically, the policy is adopted in order to:

- Conserve natural resources, including water and energy
- Reduce materials that are landfilled or incinerated
- Lower overall costs by addressing full lifecycle cost accounting

The adoption of this policy will satisfy the establishment of a required best practice in the Minnesota GreenStep Cities Program.

RECOMMENDED ACTION:

By motion: Adopt the City of Richfield Sustainable Purchasing Policy

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- Minnesota GreenStep Cities is a voluntary challenge, assistance and recognition program to help cities achieve their sustainability and quality-of-life goals. This free continuous improvement program, managed by a public-private partnership, is based upon 29 best practices. Each best practice can be implemented by completing one or more actions at a 1, 2 or 3-star level, from a list of four to eight actions. These actions are tailored to all Minnesota cities, focus on cost savings and energy use reduction, and encourage civic innovation.
- The City of Richfield entered the Minnesota GreenStep Cities Program in 2012. Since then, the City has reached Step 2 by completing 8 best practices and has competed an additional 5 best

practices to apply toward Step 3. The adoption of the attached sustainable purchasing policy will satisfy the establishment of required best practice #15. Upon adoption of this policy, Richfield will achieve Step 3 of the program by establishing two additional best practices.

- The Community Services Commission approved a motion to recommend the attached sustainable purchasing policy on January 16, 2018.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- This sustainable purchasing policy is subject to the Municipal Contracting Law (Minn. Stat. 471.345), the Presidential Executive Order 13101, and all other applicable laws and ordinances.

C. CRITICAL TIMING ISSUES:

- The adoption of this policy will satisfy the establishment of a required best practice in the Minnesota GreenStep Cities Program and will count towards Step 3 of the program which is a Council goal in 2018.

D. FINANCIAL IMPACT:

- The intent of the attached sustainable purchasing policy is to provide a guide to purchasing products and services at a reasonable cost and that are practical. Judgment is needed in every purchase to determine if the product or service is practical and offered at a reasonable price. Careful purchasing decisions use natural resources more efficiently and can lead to significant savings.

E. LEGAL CONSIDERATION:

- There are no legal considerations associated with this policy.

ALTERNATIVE RECOMMENDATION(S):

- Council may deny or delay policy adoption to a later meeting, which would delay advancement in the GreenStep Cities Program and the opportunity to conserve natural resources, reduce materials that are landfilled or incinerated, and to lower overall costs.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
▢ Richfield Sustainable Purchasing Policy	Backup Material

CITY OF RICHFIELD SUSTAINABLE PURCHASING POLICY March 13, 2018

Purpose

The City of Richfield Sustainable Purchasing Policy is a guide to the selection of goods and services that have minimal impact on the environment. The City recognizes that every purchased product or service affects the environment throughout its lifecycle - from the extraction of raw materials, the manufacturing and transportation of products, to their use and disposal. Careful purchasing decisions use natural resources more efficiently, can lead to significant savings, protect our environment, and increase demand for better products. Specifically, the Policy is adopted in order to:

- Conserve natural resources, including water and energy;
- Reduce materials that are landfilled or incinerated;
- Lower overall costs by addressing full lifecycle cost accounting;

This policy is subject to the Municipal Contracting Law (Minn. Stat. 471.345), the Presidential Executive Order 13101, and all other applicable laws and ordinances.

Implementation

This policy will apply to all City departments and employees. All City departments are responsible for implementation of this policy to ensure their respective employees and contractors are fully aware and supportive of this policy. City staff is responsible for:

- Informal data on purchases of environmentally preferable products;
- Financial implications of the policy, if any; and
- Overall accomplishments and challenges.

Policy

For the purpose of this Policy, the following definitions and abbreviations shall apply:

- *Green Team*: A group of Richfield Staff focused on promoting, educating, researching, and implementing environmentally friendly policies, practices, and considerations.
- *Bio-based product*: A product using biological or renewable agricultural (plant, animal or marine) or forestry materials.
- *Biodegradable*: The ability of a substance, material, or product ingredient to readily decompose by the action of microbes.
- *Buyer*: means personnel authorized to purchase or contract for purchases on behalf of the City of Richfield
- *Carcinogen*: A chemical that causes cancer.
- *CFL*: Compact Fluorescent Lamp.
- *Computer Peripherals*: any auxiliary device such as a computer mouse or keyboard that connects to and works with the computer in some way.
- *Contractor*: means any person, group of persons, business, consultant, designing architect, association, partnership, corporation, supplier,

contractors, or other entity that has a contract with the City of Richfield or serves in a subcontracting capacity with an entity having a contract with the City of Richfield for the provision of goods or services.

- *Energy Star*: An energy efficiency product labeling program by the EPA (<http://www.energystar.gov>).
- *Energy-Efficient Product*: means a product that is in the upper 25% of energy efficiency for all similar products, or that is at least 10% more efficient than the minimum level that meets federal standards.
- *EPEAT*: Electronic Product Environmental Assessment Tool; an on-line tool helping institutional purchasers select and compare electronic equipment such as computers and monitors based on their environmental attributes.
- *Forest Stewardship Council*: A global non-profit organization that certifies responsible forest management (<http://fscus.org/html/>).
- *Postconsumer recycled content*: Refers to an end product containing material that has completed its life cycle as a consumer item and would otherwise have been disposed of as a solid waste.
- *Pre-consumer Material or Post-industrial*: means material or byproducts generated after the manufacturing of a product is completed but before the product reaches the end-use consumer. Pre-consumer material does not include mill and manufacturing trim, scrap, or broke which is generated at a manufacturing site and commonly reused on-site in the same or another manufacturing process.
- *Practical*: mean whenever possible and compatible with local, state, and federal law, without reducing safety, quality, or effectiveness and where the product or service is available at a reasonable cost in a reasonable period of time. A reasonable cost shall mean that the product has a lifecycle cost that is reasonably similar to the lifecycle costs of other similar products and has a 10% or less price preference.
- *Product lifecycle considerations*: Refers to the environmental effects of a product through raw materials acquisition, manufacturing, distribution, use, maintenance and disposal.
- *Recovered Material*: Fragments of products or finished products of a manufacturing process that include pre-consumer and postconsumer material.
- *Recycled Content*: means the percentage of recovered materials, including pre-consumer and postconsumer materials, in a product.
- *Remanufactured Product*: means any product diverted from the supply of discarded materials by refurbishing and marketing said product without substantial change to its original form.
- *US EPA Guidelines*: the Comprehensive Procurement Guidelines established by the United States Environmental Protection Agency for federal agency purchases as of May 2002 and any subsequent versions adopted.
- *Water Sense*: A water conservation product labeling program sponsored by the EPA.

Background

The City of Richfield has an opportunity to serve as a community model for environmental leadership by incorporating environmental considerations in public purchasing that reduce its burden on the local and global environment, reduce costs and liabilities, and help develop markets for environmentally responsible products. These environmental considerations will join existing cost and efficiency factors that city employees consider in their stewardship of taxpayer funds.

The Richfield Sustainable Purchasing Policy has been developed with advice from the Community Services Commission, whose duties include advising the City on all matters relating to the Minnesota GreenStep Cities Program.

General Policies

The Green Team is responsible to coordinate the implementation of the Richfield Environmental Purchasing Policy. The Green Team will ensure all departments/operations will:

- Identify opportunities for environmental purchasing initiatives and the trade-offs involved (e.g., cost, ability to meet specifications for product effectiveness, etc.);
- Provide a forum for open discussion by affected personnel; and
- Educate and inform staff about the environmental purchasing program.

The Green Team shall meet as needed following the adoption of this policy to ensure its implementation and effectiveness.

Identification of Products and Services

Source Reduction

1. The City will institute practices that reduce waste and result in the purchase of fewer products whenever practicable and cost-effective, but without reducing safety or workplace quality, including but not limited to:
 - communicating electronically instead of printing to the greatest degree possible given some residents and city workers do not have email;
 - photocopying and printing double-sided;
 - streamlining and computerizing forms;
 - printing of documents and reports only as they are needed and required by state mandated record retention policies;
 - using long-life products with service agreements supporting maintenance and repair;
 - sharing equipment and occasional use items;
 - choosing durable products rather than disposable;
 - buying in bulk, whenever storage is available and operations allow it;
 - reusing products such as file folders, storage boxes, office supplies, and furnishings;
 - using washable and reusable dishes and utensils; and
 - reducing the use of disposable batteries by purchasing rechargeable batteries for battery operated devices when application and cost-effectiveness permit (e.g., batteries used by water meters, fire

department equipment and other life critical applications, police radios, etc. are not included in this policy).

2. The City will require to the extent practical, that surplus or outdated electronic equipment is designated for reuse and or recycling except where constrained by data practices procedures (such as disk storage equipment).
3. The city will avoid usage of single-use bottled water wherever practical (e.g., police and fire departments must have water in the field).

Recycled Content Products

1. Printing paper, office paper, and paper products shall contain the highest postconsumer content practical and within budgets, but ideally no less than the minimum recycled content standards established by the US EPA Comprehensive Procurement Guidelines and Minnesota State Law.
2. Janitorial paper products will contain the highest postconsumer content practical and within budgets. Ideally this is no less than the minimum recycled content standards established by the US EPA Comprehensive Procurement Guidelines.
3. .
4. When specifying asphalt concrete, aggregate base or cement concrete for road construction projects, the City will use recycled, reusable or reground materials when they meet specifications and are available and cost-effective.
5. To the greatest extent practical and within budgets, the City will specify and purchase recycled content transportation products, including signs, cones, parking stops, and barricades, and other recycled products approved by the Minnesota Department of Transportation.
6. The City will purchase re-refined lubricating and industrial oil certified by the American Petroleum Institute (API) for use in its vehicles and other equipment that meets manufacturer's specifications/warranties, is cost-effective and practical.
7. The City will purchase recycled content for outdoor applications whenever practical and cost-effective.

Energy and Water Savings

1. Where applicable and cost effective, energy-efficient equipment will be purchased with the most up to-date energy efficiency functions. When necessary, the City will train equipment operators and maintenance personnel

in the proper enabling and use of energy efficient and sleep mode functions on their equipment.

2. The City will purchase ENERGY STAR compliant equipment and appliances when US EPA Energy Star certification is available for the product. Typically, this would include lighting, heating and cooling systems, exhaust fans, water heaters, computer monitors and peripherals, exit signs, and appliances.
3. When Energy Star labels are not available, choose energy efficient products that are in the upper 25% of energy efficiency as designated by the Federal Energy Management Program if cost effective.
4. The City will purchase Water Sense complaint products whenever practical and cost effective and for which the US EPA Water Sense certification is available. This includes, but is not limited to, high-performance fixtures like toilets, waterless urinals, low-flow faucets and aerators, and upgraded irrigation systems.

Green Building - Construction and Renovations

1. The City will purchase high efficiency cooling and heating equipment and motion sensitive lighting, whenever practical and economical.

Waste Minimization

1. The City will prefer packaging that is reusable, recyclable or compostable, when suitable uses and programs exist for these materials and are cost effective.
2. Vendors will be encouraged to take back and reuse pallets and packaging materials.
3. The City will dispose of electronic equipment, including but not limited to computers, monitors, printers, and copiers, or use disposal companies that will take back equipment for reuse or dispose them according to certified environmentally safe recycling if cost effective and satisfactory under public equipment disposal laws.

Bio-Based Products

1. Vehicle fuels made from plant-based contents (e.g. bio-diesel) are encouraged whenever practical in terms of cost and specification unless they are determined to be less environmentally friendly than the alternative.
2. Paper products and construction products made from non-wood, plant-based contents and residues are encouraged whenever practical.

Substitution Process

The City will work with their various suppliers to encourage those suppliers to bring information and ideas on environmentally and preferable alternatives for currently specified products that are readily available, cost effective and can perform for the intended use. The City will follow applicable State and Local procurement laws to make substitutions where possible.

Adopted by City Council on March 13, 2018

DRAFT



STAFF REPORT NO. 50
CITY COUNCIL MEETING
3/13/2018

REPORT PREPARED BY: Jim Topitzhofer, Recreation Services Director

DEPARTMENT DIRECTOR REVIEW: Jim Topitzhofer, Recreation Services Director
3/6/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
3/8/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a contract with Becker Arena Products, Inc. to replace the dasher boards in Rink One in the amount of \$159,145.44 and to authorize the City Manager both to execute the contract and to approve additional work up to \$10,000 without further City Council authorization.

EXECUTIVE SUMMARY:

The dasher boards for Rink One are in desperate need of replacement. Dasher boards outline the ice surface and create a safety barrier between players and spectators. The original dasher boards for Rink One were installed when the facility opened in 1971 and were constructed with green pressure treated posts with 3/4" green treated plywood backing for reinforcement. In 1997, the dasher boards were reconstructed with new green treated posts, but without the plywood backing to save on cost and as a result the estimated life of the re-built boards was 15 years. Based on this, the boards are six years past their estimated life.

A quote to replace the dasher boards with a steel and aluminum frame was received from Becker Arena Products, Inc., in the amount of \$159,145.44. Because the City of Richfield has entered into an agreement with the National Joint Powers Alliance, the attached purchase contract for the dasher boards was discounted 5%. Upon execution of the purchase contract, the dasher boards for Rink One will be replaced this summer during scheduled maintenance. The new system will have an estimated lifespan of more than 50 years.

RECOMMENDED ACTION:

By motion: Approve a contract with Becker Arena Products, Inc. to replace the dasher boards in Rink One in the amount of \$159,145.44 and to authorize the City Manager both to execute the contract and to approve additional work up to \$10,000 without further City Council authorization.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The original dasher boards for Rink One were installed when the facility opened in 1971 and were constructed with green pressure treated posts with 3/4" green treated plywood backing for reinforcement.
- The dasher boards were re-constructed in 1997 with new green treated posts but without the plywood backing to save on cost. As a result, the estimated life of the re-built boards was 15 years.

- The posts now are severely deteriorated and have rotted to the point where fasteners are failing. Dasher boards are constantly exposed to moisture, humidity and temperature change, and are subject to forces caused by the Zamboni as it travels around the edge of the ice.
- The boards were originally planned to be replaced as part of the ice arena refrigeration project. With that project on hold until after the parks master plan process is complete, the dasher board situation needs to be addressed now for safety reasons.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- When the purchase of materials, merchandise, equipment, or construction exceeds \$100,000, authority to purchase shall be submitted to City Council for consideration.
- The purchase of the dasher boards will be made through a Minnesota Service Cooperative. Minnesota Service Cooperatives are public entities created under MN Statute 123A.21 to negotiate services that result in cost savings and enhanced services for schools, government agencies and non-profit entities.
- The City of Richfield entered into a joint exercise of powers agreement with the National Joint Powers Alliance, a Minnesota Service Cooperative, approved by Council on 11/14/11. Becker Arena Products, Inc. is an approved vendor in this cooperative purchasing program.

C. CRITICAL TIMING ISSUES:

- Approval of a purchase contract is needed at this time to order the product in time for installation during the summer maintenance period.

D. FINANCIAL IMPACT:

- Purchase of the dasher boards for Rink One is identified in the 2018 approved capital improvement budget as part of the Ice Arena Conversion to Indirect Refrigeration Project in the amount of \$300,000. With that project on hold until after the parks master plan process is complete, the dasher board situation needs to be addressed now for safety reasons.

E. LEGAL CONSIDERATION:

- The City Attorney has advised that because the dasher boards are being purchased through a Minnesota Service Cooperative, a formal bidding process of this project is not required.

ALTERNATIVE RECOMMENDATION(S):

- The Council may consider to deny or delay the recommended action on this item, which would result in the inevitable closure of Rink One due to safety reasons.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Kris Weiby, Facilities Manager, will be present at the meeting to answer questions.

ATTACHMENTS:

Description	Type
☐ Dasher Board Purchase Contract	Contract/Agreement



**Your Vision, Our Products...
Furnishing Ice Rinks Since 1988**



Customer #: RIC000
Quotation #: 10001743
Revision #: 4
Date: February 5, 2018
Proposal Expiration Date: March 5, 2018
Your Sales Consultant: Brad Peterson

Prepared For:

Mr. Kris Weiby
Richfield Ice Arena
6700 Portland Avenue S.
Richfield, MN 55423

Project Location:

Richfield Ice Arena
636 East 66th Street
Richfield, MN 55423

Thank you for considering Becker Arena Products, Inc., we appreciate the opportunity...

Benefits of Choosing to Partner with Becker Arena Products

- A stable and reliable company since 1988
- A staff with in-depth knowledge of the industry and products
- Quality products that last
- Experienced and professional installers
- Excellent customer service
- Worry Free Projects - Guaranteed

This system is available through the NJPA Cooperative Purchasing Program at discounted pricing. [BECKER ARENA PRODUCTS, INC – VENDOR CONTRACT #030117 – BAP](#)

The National Joint Powers Alliance (NJPA) is a municipal contracting government agency that serves education and government agencies nationally through competitively bid and awarded contract purchasing solutions. Over 50,000 Member agencies enjoy the value and commitment of the world-class NJPA awarded Vendors. Take advantage of the cooperative purchasing discounts shown here in this quotation mentioning our contract #030117-BAP when ordering. You must be a member and contracting authority. Ask your sales person for a copy of the NJPA Contract Purchasing information booklet or go to www.njpacoop.org for more information.

Confidential: This document contains proprietary and confidential information that is owned and is of significant value to Becker Arena Products, Inc. No unauthorized use, disclosure or reproduction of any of this information is permitted without the prior written consent of Becker Arena Products, Inc.



Per our recent discussions and review of the site conditions at the Richfield Ice Arena, below please find pricing for the following dasher board system along with various options.

BAP6.0 SIGNATURE SERIES HOCKEY DASHER BOARD SYSTEM

Becker Arena Products, Inc. shall furnish with installation one custom built BAP6.0 *Signature Series* dasher board system along with related option. The pricing is based on the information furnished and will include the following items and features.

DASHER FRAMING & POLYETHYLENE FACING, CAP RAIL & KICK PLATE

Rink Size: 200' x 85' x 21' radius - 542 lineal feet of 42" high BAP6.0 *Signature Series* galvanized steel frame dasher boards (Ring with box divider panels and back walls to penalty & timekeeper boxes)
1/2" white high-density polyethylene dasher facing
1/2" x 8" high yellow high-density polyethylene kick plate (With stainless steel screws)
3/4" red high-density polyethylene cap rail
All panels pre-assembled
All panel steel framing hot dip galvanized after fabrication
New custom anchoring system

GATES

One 10'-0" double leaf equipment gate complete with heavy duty adjustable hinges, slide bar, cane bolts and heavy-duty casters
Four 2'-6" player box gates with heavy duty hinges and lift latches
Two 2'-6" penalty box gates with heavy duty hinges and ice side push button latches
One 6'-0" double swing access gate with heavy duty hinges and ice side push button latches
1" thick high-density polyethylene thresholds on player, penalty and access gates

PLAYER, PENALTY AND TIMEKEEPERS BOXES

Player boxes – Two each 20'-6" long with side divider panels with 2'-6" gates on the ends of the boxes only (No back walls)
One each 1" thick x 18" wide x 72" long solid natural polyethylene timekeeper table
61 lineal feet of 3/8" thick white high-density polyethylene backer sheet in the player, penalty and timekeeper boxes complete with built-in shelving in the player boxes
New tempered glass dividers on the end walls of the player boxes.
504 square feet of 10mm thick x 4' x 6' Solid Black Stamina mats in the player boxes and adjacent box areas – pricing does not include any adhesive. Includes loose lay installation.
Penalty box custom height end dividers along with a back wall to the penalty boxes and timekeeper box with a 3' wide opening in the back wall of the timekeeper box.
12mm (1/2") thick x 6' tempered glass for the new divider panels and back walls complete with anodized aluminum shield supports as required.



SIGNATURE SERIES OPTIONS

Option #1 – CONSTRUCTION ALLOWANCE - Becker Arena Products, Inc. recommends an allowance for the unknown conditions that may be discovered after removal of the existing dasher board system. This allowance would only be used if after removal of the existing dasher boards there are issues that need to be resolved and were not known at the time of pricing. All changes to the contract would be by written change order.

Please **ADD** to the base price

\$ 10,000.00

Accept _____

Please Note: Taxes are the responsibility of the purchaser. Prices do not include special insurance requirements, bonding, or applicable permits and/or license fees. If sales tax is applicable it will be added to the proposal totals and noted on a Contract Summary Sheet that will be sent back with your executed contract.

All payment terms are based on credit approval.

Our Standard Payment terms are:

- 45% due upon placement of order (\$ _____)
- 45% due 10 days prior to delivery (\$ _____)
- 10% due upon delivery and installation (\$ _____)

The above payment amounts will be filled in based on total contract price and any applicable sales tax and sent back on the Contract Summary Sheet with your executed contract.

We are looking forward to the opportunity of working with you on your project and if we can be of further assistance please do not hesitate to call.

This proposal is subject to Becker Arena Products, Inc. Standard Terms and Conditions and Limited Warranty and may be withdrawn without penalty at any time before contract execution. If accepted, please sign and return this copy to Becker Arena Products. When approved and signed by one of our officers a fully executed copy will be forwarded for your records. This proposal is subject to change, withdrawal or cancellation until accepted by you. If Becker Arena Products, Inc. have not received your acceptance within 60 days from the date hereof, this proposal shall automatically expire. Becker Arena Products, Inc. retains a security interest in all products covered in this agreement until all payment terms have been met. In addition, the purchaser agrees to sign any additional documents for Becker Arena Products, Inc. to perfect its security interest in the products.

Proposal/Contract # **10001743 Rev4** is accepted with initialed options:

Purchaser Signature

Becker Arena Products, Inc.

Title

Title

Print Name

Print Name

Date

Date

NJPA Member Number

030117-BAP

NJPA Contract Number

Desired Installation Date: _____



Becker Arena Products, Inc.

STANDARD TERMS AND CONDITIONS

1. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota, as applied to contracts executed in and performed wholly within the State of Minnesota.

2. Delays. Becker Arena Products, Inc. (Seller) will not be liable for any delay in the performance of orders or contracts, or in the delivery or shipment of the goods, or for any damages suffered by the Purchaser by reason of such delay, including liquidated or actual damages.

3. Arbitration. Any and all controversies or claims arising out of or relating to this contract or the performance or breach thereof shall be settled by arbitration in Minneapolis, Minnesota in accordance with the then existing rules and procedure of the American Arbitration Association.

4. Mechanic's Lien or Bond Rights. Nothing herein shall be deemed to waive or affect Seller's right to assert a mechanic's lien against the property on which the goods are installed or to make a claim against any bond. Purchaser agrees to provide any and all information requested by Seller, within three (3) calendar days, to allow Seller to preserve or effectuate its mechanic's lien or bond rights.

5. Change Orders. A change order will be required for any additional work to be performed or materials to be supplied by the Seller, which is not included in the contract or is a result of the Purchaser's failure to comply with the terms and conditions as described herein. A change order must be filled out by the Seller and signed by the Purchaser before any work commences or material is ordered and/or shipped.

6. Production Schedule, Installation Schedule, and Storage. When Seller has received and accepted the contract along with signed approval drawings and credit approval, they will have up to 16 weeks to produce and deliver the materials provided that there are no custom materials needed. Custom materials will include non-standard colors and/or materials. The Purchaser will be contacted after the receipt of the required information to coordinate a shipping date and an installation date(s). These dates will serve as the contract delivery date and will be used to schedule production, delivery, and installation. The Owner/Purchaser will be contacted 21 days prior to shipping to confirm that the site will be ready. If the Purchaser's site is not ready or will not be ready on this date, the following may occur:

Dasher Board Systems

- A. Seller may choose whether or not to produce the rink according to its production schedule. If they produce the rink on schedule, it will be stored at Becker Arena Product's location of business and storage fees will be charged to the Purchaser at the rate of US \$300 per week. All payments will be due according to the terms from the original ship date. If the Seller chooses to delay production to coincide with the new ship date, no storage fees will apply and payment will be due according to the terms from the original ship date. If contract terms are paid in full prior to shipping, the time will start from the original ship date and not the adjusted ship date.



- B. A new shipping installation date will be coordinated with Seller's installation department and confirmed with the Purchaser. The Seller will reschedule the installation for the next available date according to the Seller's installation schedule. In some cases, the site delay may cause additional charges. This includes, but is not limited to, wages, remobilization, and equipment rental, to be paid by the Purchaser.
- C. If the Purchaser's site is not ready when the Seller's installation crew arrives, additional costs will be charged to the Purchaser. This includes, but is not limited to wages, travel, lodging, meals, equipment rental and changes in Becker Arena Product's installation schedule.

7. General Site Requirements. The following criteria must be met or extra charges may apply, and delays will be incurred, if the site is not in compliance when Seller is ready to deliver and install the goods:

- A. Concrete and Floor Work: All concrete work is to be completed and allowed to cure, according to job specifications and/or refrigeration contractors requirements, before the date installation is scheduled to begin.
- B. The levelness of the perimeter concrete, where the rink is to be installed, must be within 1/8" of levelness for every 10' in length and no more than 1/4" difference in height over the length and width of the perimeter surface.
- C. For sand floors, the first 6" from the front of the curb, where the rink is to be installed, must be within 1/16" of flatness from the inside edge outward and meet the levelness and flatness conditions specified above, Sand floors are not to be final graded prior to dasher board installation.
- D. Expansion joints, which are to be covered completely by the rink, are to be within 1/2" of straightness from end to end and side to side. The distance from side to side and end to end of the outside edge of the expansion joint is to be within 1/2" of the required dimension for the frame to cover it.
- E. If, upon arrival, the perimeter concrete is inspected and does not meet the specifications for levelness, flatness, straightness and size, the following will occur:
 - 1. Seller's Representative will determine if rink can be shimmed or adjusted/cut to achieve desired levelness, fit and/or expansion joint coverage while maintaining the structural integrity of the rink. If so, the additional time and materials to do this will be paid by the Purchaser. A change order must be filled out by the Seller's Representative and signed by the Purchaser before any work commences.
 - 2. If the rink cannot be shimmed or adjusted to the desired levelness and/or coverage while maintaining the structural integrity of the rink, the Purchaser will be responsible for fixing the surface to meet specifications. All associated costs for this are the sole responsibility of the Purchaser.
 - 3. The Seller will accept contracts that are retrofit projects with the understanding that the condition of the underlying perimeter concrete work meets the specifications stated above. If, after removal of the existing rink, the concrete does not meet these conditions, points "1" and "2" from above will apply.



8. Requirements for Rink Installations:

(Refer to the enclosed Site Requirements)

9. Walk Through Inspection. When Seller's work is complete or near complete, Purchaser or the Purchaser's Representative (including general contractors and architects) must be available for a final walk through inspection with the Seller's Representative. Any parties who do not attend the walk through will forfeit their right to submit punch list items. A final punch list of items to be completed or repaired will be prepared as a result of this walk through. Any item not included on the final "punch list" will not be the responsibility of the Seller unless it is covered by the Seller's Warranty.

10. Shop Drawings and Non-standard Shielding. Preparation of shop drawings will not commence until after the signed contract has been delivered to Seller. Production will not commence until Seller receives approved shop drawings. Field measured, tempered glass (non-standard sizes) may require an additional 3-4 weeks for delivery after completion of installation. Any field measured tempered glass to be installed by purchaser.

11. Polyethylene. All polyethylene used to manufacture the rink shall be virgin material. All colors shall match within manufacturer's tolerance. Seller will not be responsible for replacing polyethylene that conforms to manufacturer's color tolerance. During manufacturing, all panels shall have the polyethylene overhang past the frame a minimum of 1/16" on each end to allow for contraction of the material due to temperature change in the field. Seller shall not be responsible for material contraction gaps between panels due to temperature change if it adheres to these manufacturing requirements.

12. Material Check-in. (Installation supervision and supply only contracts) The Purchaser shall be responsible to verify the shipment for quantities and any damage caused from shipping for jobs that include installation supervision or are supply only. Any quantity variances and/or damage must be noted and reported to the Project Manager by filling out the Material Check-in Form and faxing it to the Project Manager. Missing/damaged items must be reported within 24 hours of receipt to receive credit. All boxes will be clearly marked by the Seller. The Ship list will clearly identify the contents and quantities of the shipment. It is the responsibility of the Purchaser to verify that all box numbers in the hardware crate are accounted for, not to open and count each individual item in a box. The Purchaser must count anything that is not boxed.



3 YEAR LIMITED WARRANTY

1. **What Is Covered By This Limited Warranty** - Becker Arena Products, Inc. ("BAP") warrants to the original purchaser ("Purchaser") that the BAP system (the "System") that is subject of this sale (a) conforms to BAP's published specifications and (b) is free from defects in material or workmanship. This warranty is not transferable by Purchaser, including any transfer by operation by law. The duration of this warranty is one year from the date of delivery to the original Purchaser. In the event of any claim of defect during the warranty period, Purchaser shall promptly notify Seller in writing of the claimed defect. Within a reasonable time after such notification Purchaser shall provide Seller full access to the products to inspect, repair, and/or replace the products in question. Seller's sole obligation shall be to correct any actual defect by repair, replacement, or adjustment as determined in Seller's sole discretion. In no event shall notification be effective if received by BAP later than 37 months from date of delivery of the System. These remedies are Purchaser's **exclusive** remedies for breach of warranty. BAP is under no obligation to honor this limited warranty during any time in which Purchaser is in default in its obligations to BAP.
2. **What Is Not Covered By This Warranty** – BAP does not warrant (a) any product, component or parts not manufactured by BAP, (b) defects caused by failure to provide a suitable installation environment for the System, (c) defects caused by failure to follow BAP's System maintenance schedule, (d) damage caused by use of the System for purposes other than those for which it was designed, (e) damage caused by a disaster such as fire, flood, wind or lightning, (f) damaged caused by unauthorized attachments or modifications to the System, (g) damage during shipment, or (h) any other abuse or misuse by Purchaser or the System.
3. **Disclaimer Of Warranty** – THE FOREGOING WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE OR ANY WARRANTIES FOUND UNDER ARTICLE 35(2)(a) AND (b) OF THE UNITED NATIONS CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS 1980.
4. **Limitations Of Remedies** – In no case shall BAP be liable for any special, incidental or consequential damages based upon breach of warranty, breach of contract, negligence, strict tort or any other legal theory. Such damages include, but are not limited to, loss of profits, loss of savings revenue, loss of use of System or any associated equipment, cost of capital, cost of any substitute equipment, facilities or service, downtime, the claims of third parties (including customers) and injury to property. This limitation does not apply to claims for personal injury. Some states do not allow limits on warranties or on remedies for breach in certain transactions. In such states, the limits in this Section 4 and in Section 3 above may not apply.
5. **Time Limit For Bringing Suit** – Any action for a breach of warranty must be commenced within 37 months following delivery of the System.
6. **No Other Warranties** – Unless modified in a writing signed by both parties, this agreement is understood to be the complete and exclusive agreement between the parties, superseding all prior agreements, oral or written, and all other communications between the parties relating to the subject matter of this agreement. No employee of BAP or any other party is authorized to make any warranty in addition to those made in this agreement.
7. **Allocation Of Risk** – This warranty allocates the risk of product failure between BAP and Purchaser. This allocation is recognized by both parties and is reflected in the price of the System. Purchaser acknowledges it has read this warranty, understands it and is bound by its terms.



STAFF REPORT NO. 51
CITY COUNCIL MEETING
3/13/2018

REPORT PREPARED BY: Jennifer Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
2/27/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
3/5/2018

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of the approval of new On-Sale Intoxicating and Sunday Liquor licenses for Lyndale Smokehouse, LLC d/b/a Lyndale Smokehouse located at 7745 Lyndale Ave South.

EXECUTIVE SUMMARY:

On December 5, 2017, the City received the application materials for new On-Sale Intoxicating and Sunday Liquor licenses for Lyndale Smokehouse, LLC d/b/a Lyndale Smokehouse located at 7745 Lyndale Ave South.

Lyndale Smokehouse will be operating out of the lower level of the Four Points by Sheraton located at 7745 Lyndale Ave South.

All required information and documents have been received. All licensing fees have been paid.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. The Public Safety Director has reviewed the background investigation report. There is nothing in the report that would cause the Public Safety Director to recommend denial of the requested licenses.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve the issuance of new On-Sale Intoxicating and Sunday Liquor licenses for Lyndale Smokehouse, LLC d/b/a Lyndale Smokehouse located at 7745 Lyndale Ave South.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

- The applicant has satisfied the following requirements for issuance of licenses:
 - The required license fees have been paid.
 - Real estate taxes are current.
 - Proof of commercial and liquor liability insurance have been received showing Cincinnati Insurance Company as affording coverage.
- As a result of this being a new request for On-Sale Intoxicating and Sunday Liquor licenses, there

is no need for an accountant's statement regarding food/alcohol ratio.

- As stated in the Executive Summary, the Public Safety Director has reviewed the background information and sees no basis for denial.
- On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.
- There are no distance requirements to notify neighbors of the issuance of On-Sale Intoxicating and Sunday Liquor licenses.
- The Notice of Public Hearing was published in the *Richfield Sun Current* on March 01, 2018.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Richfield City Code Section 1202 requires owners of On-Sale Intoxicating and Sunday Liquor license establishments to comply with all the provisions of both City Code and State Statutes.

C. CRITICAL TIMING ISSUES:

- There are no critical timing issues.

D. FINANCIAL IMPACT:

- Licensing fees have been received.

E. LEGAL CONSIDERATION:

- The requirements of Resolution No. 9511 must be met, which outlines the discipline they can expect if any on-going problems occur. A copy of this resolution has been given to the owners of the establishment.

ALTERNATIVE RECOMMENDATION(S):

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to serve On-Sale Intoxicating liquor; however, Public Safety has found no basis to deny the license.
- Schedule the hearing for another date; however, this will delay the licensing process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

A Lyndale Smokehouse representative will be present.

ATTACHMENTS:

Description	Type
□ Background Investigation Summary - Lyndale Smokehouse	Cover Memo

SUMMARY OF BACKGROUND INVESTIGATION FOR LYNDAL SMOKEHOUSE, LLC D/B/A LYNDAL SMOKEHOUSE

Officers:

Harshal Patel – President
Minesh Patel – Vice President

Criminal Histories:

Criminal history checks were conducted on the applicants. Harshal Patel, who is the President and is serving as the On-Premise Manager, has no known criminal record. Minesh Patel also has no known criminal record.

Premises:

The applicants have provided a copy of the rental agreement showing MOA Hospitality Group LLC, holding financial interest as lessor of the property.

Record of Service Calls:

Being this is a new business, there are no records of service calls.

Violations:

Being this is a new business, there are no violations for sale of alcohol to underage youth.

Routine Information:

On-Sale Intoxicating and Sunday Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On-Sale Intoxicating and Sunday Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on March 01, 2018.



STAFF REPORT NO. 52
CITY COUNCIL MEETING
3/13/2018

REPORT PREPARED BY: John Stark, Community Development Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
3/6/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
3/7/2018

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of the approval of an ordinance amendment to the Richfield City Code Appendix D Exhibit A (Construction and Related Permit Fees and Charges) to provide building permit fee reductions to affordable housing developments and approve a resolution authorizing summary publication of the ordinance amendment.

EXECUTIVE SUMMARY:

Staff is proposing a fee reduction related to building permits in an effort to encourage and incentivize the construction of new affordable housing units and/or the rehabilitation of existing affordable housing. This reduction would only apply to building permits and related plan reviews conducted and issued by the City's Inspections Division and would exclude permits for demolition, storm water, utilities, Sewer Access Charges, etc. and permits issued by state and regional authorities.

The fee reduction would only apply to projects that are required by local, state or federal government agencies to provide at least 20% of their housing units as affordable to households earning at, or below, 60% of the area median income (AMI) for the initial homeowner or for a period of at least five years for rental property.

The proposed building permit reduction would be 5% (up to a maximum of \$4,000) for new construction and 10% (up to a maximum of \$6,000) for rehabilitation of existing units. No one project or development entity would be eligible to receive more than a \$10,000 reduction in a two-year period.

The projects that may qualify could vary greatly from case-to-case. Staff, therefore, would like latitude to approve or deny such permit reductions with the ability of applicants to appeal staff's decision to the City Council. It should be noted that this permit fee reduction program is being considered at the City's discretion and should not be considered as an "entitlement."

In addition to encouraging the construction and rehabilitation of affordable units, this policy would allow the City to earn additional points in our "Livable Communities" score from the Metropolitan Council. This score factors in to the ranking of grant applications and could ultimately result in the City being more successful in garnering grant funds.

RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve an ordinance amendment to Richfield City Code Appendix D Exhibit A (Construction and Related Permit Fees and Charges) and approve a resolution authorizing summary publication of the ordinance amendment.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The City has a long history of support of the construction and/or rehabilitation of affordable housing.
- There have been multiple City Council work sessions during the past year in which policy-makers and staff have sought concrete ways of demonstrating that support.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- The City is supportive of the construction and/or rehabilitation of affordable housing.
- This proposed fee reduction will provide a degree of incentive to the construction and/or rehabilitation of affordable housing.
- A first reading of this proposed ordinance amendment was held by the Richfield City Council at its February 27, 2018 meeting.

C. CRITICAL TIMING ISSUES:

- N/A

D. FINANCIAL IMPACT:

- The financial impact of this proposal is dependent on the number of units built or rehabilitated in coming years.
- In the past ten years, the only project that would have qualified were the Lyndale Plaza apartments at 6401 Lyndale, which would have received a \$4,000 reduction in 2011.
- Depending on their affordability requirements, it is possible that the rehabilitation of apartments at Village Shores could have fit eligibility requirements as well.
- As proposed, the Chamberlain Apartments project (which includes both new construction and rehab) would receive a total reduction of approximately \$6,300.

E. LEGAL CONSIDERATION:

- The City Attorney has been consulted on this proposed fee reduction.
- Notice of the public hearing was published in the Sun Current, as required.

ALTERNATIVE RECOMMENDATION(S):

- Approve the second reading of the ordinance with changes.
- Reject the proposed ordinance.

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

	Description	Type
□	Transitory Ordinance	Ordinance
□	Resolution - Summary Publication	Resolution Letter
□	Affordable Housing Fee Reduction Guidelines	Exhibit

BILL NO. _____
TRANSITORY ORDINANCE NO. _____

**AN ORDINANCE AMENDING APPENDIX D
TO THE RICHFIELD CITY CODE; ESTABLISHING A FEE SCHEDULE
FOR CERTAIN PERMITS AND APPLICATIONS**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Background

- 1.01 Appendix D to the Richfield City Code consists of the schedule of fees adopted by the City Council, including those adopted by resolution and those adopted by Ordinance.
- 1.02 Minnesota Statutes, Section 462.353 requires that certain fees be adopted by Ordinance. The City Council has previously established certain fees by Transitory Ordinance No. _____. The City Council has established other fees by resolution, which resolution is also part of Appendix D.
- 1.03 The City Council has determined the need to update the schedule of fees under Transitory Ordinance No. _____.

Section 2. Fee Schedule Adopted

- 2.01 The fees set forth in the attached Exhibit A are hereby adopted by Ordinance.
- 2.02 The fees adopted at Section 2.01 of this Ordinance shall be amended only by Ordinance. Any fees established by resolution, other than those adopted at Section 2.01 of this Ordinance, may be amended from time to time by resolution of the City Council.

Section 3. Effective date; codification.

- 3.01 This Ordinance is effective in accordance with Section 3.09 of the City Charter.
- 3.02 A copy of this Ordinance shall be included in Appendix D to the Richfield City Code, immediately prior to the resolution establishing fees.
- 3.03 This Ordinance supersedes Transitory Ordinance No. _____.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of March, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth Van Hoose, City Clerk

EXHIBIT A

CONSTRUCTION AND RELATED PERMIT FEES AND CHARGES

A. Investigation Fees: Work without a Permit:

Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Section 2. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

B. Permit fee refunds:

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permitted not later than 180 days after the date of fee payment.

C. Affordable Housing City Permit Fee Reduction:

In an effort to encourage the construction and/or rehabilitation of affordable housing, City permit fees for such housing may be reduced in accordance with the Affordable Housing Building Permit Fee Reduction Guidelines adopted by the Richfield City Council on March 13, 2018 and kept on file in the Community Development Department.

D. Permit Fees:

Type of Permit or License	Section Requiring	Description	Fee
		(a) Inspections outside of normal business hours (minimum charge - two hours)	\$60.00 per hour
		(b) Reinspection fees (minimum charge \$35.00)	\$60.00per hour
		(c) Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$60.00 per hour
		(d) Additional plan review required by changes, additions or revision to plans (minimum charge - two hours)	\$60.00 per hour
		(e) Fee to reissue building inspection record card	\$35.00

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employee involved.

(1) Building Permits	400.03— 400.09	\$1 to \$500 (includes one inspection)	\$35.00
		Each additional inspection	\$35.00
		\$501 to \$2,000	\$26.25 for the first \$500 plus \$3.50 each additional \$100, or fraction thereof, to and including \$2,000 with a minimum fee of \$35.00.
		\$2,001 to \$25,000	\$77.25 for the first \$2,000 plus \$15.50 for each additional \$1,000, or fraction thereof, to and including \$25,000.
		\$25,001 to \$50,000	\$436.50 for the first \$25,000 plus \$11.25 for each additional \$1,000, or fraction thereof, to and including \$50,000.
		\$50,001 to \$100,000	\$716.75 for the first \$50,000 plus \$7.75 for each additional \$1,000, or fraction thereof, to and including \$100,000.
		\$100,001 to \$500,000	\$1,106.25 for the first \$100,000 plus \$6.25 for each additional \$1,000, or fraction thereof, to and including \$500,000.
		\$500,001 to \$1,000,000	\$3,599.25 for the first \$500,000 plus \$5.25 for each additional \$1,000, or fraction thereof, to and including \$1,000,000.
		1,000,001 and up	\$6,242.50 for the first \$1,000,000 plus \$4.25 for each additional \$1,000, or

			fraction thereof.
(2) Driveway, Parking Area Permits	515.05	(no permit fee for sidewalks)	\$35.00
(3) Swimming	420.00	Permanent or portable pools are based on building permit fees with a minimum of	\$35.00
(4) Plan Review Fee	400.03— 400.09	35% of building permit fee for one and two family dwelling basement remodels	
		65% of building permit fee for all other building permits, except no fee for the following:	
		(a) Existing single family dwelling minor nonstructural alterations.	
		(b) Single and two family dwelling repair and maintenance work.	
		(c) Commercial and industrial repair and maintenance work not exceeding \$1,000 or where plans are not required.	
Plan review fee for similar buildings		Maximum 25% of permit fee based on Minnesota State Building Code 1300.0160	
(5) Contractors License Verification Fee		Charged once each time a contractor applies for permit(s)	\$5.00
(6) Moving-Buildings	845	Moving Permit Fee	\$50.00
(7) Structure Demolition	400.00— 400.09	(a) Commercial Demolition cost as per Building Permit Schedule with a minimum of	\$50.00
		(b) Dwelling One or two story Residential - Garage and lesser structure	\$50.00 \$35.00
(8) Plumbing Permit	400.03— 400.09	Residential Minimum Fee 2% of Total Job cost with a minimum of (includes one inspection)	\$35.00
		Each additional inspection	\$35.00
(9) Plumbing Permit	400.03— 400.09	Commercial/Industrial/Multi-family Based on Total Job cost 2% of Estimated Job cost with a minimum of (includes one inspection)	\$45.00
		Each additional inspection	\$35.00

(10) Electrical Permit	400.03— 400.09	Residential (a) Minimum Fee which includes one inspection	\$35.00
		(b) Each additional Inspection	\$35.00
		(c) Complete Wiring Fee: Single Family Dwelling and each dwelling unit of a two family dwelling and includes not more than three inspections.	\$150.00
		(d) New Service - up to 200 amps	\$55.00
		(e) Temporary Service - (for construction)	\$45.00
		(f) Installation, addition alteration, or repair of each circuit or feeder	\$8.00
		(g) Swimming pool or exterior hot tub	\$55.00
		(11) Electrical Permit Commercial	400.03— 400.09
Each additional inspection	\$35.00		
(a) Based on total job cost - 2% of estimated job cost with a minimum of - Over \$50,000 - Fee/ \$1,000.00 plus 1% of cost over \$50,000.00	\$45.00		
(b) Traffic Signals: Per Intersection	\$185.00		
(c) Fire Alarm: Based on ¾% of cost of electrical job to customer with a minimum of	\$45.00		
(d) Carnivals, festivals and similar events plus \$35.00 for each service on generator	\$110.00		
(12) Electrical Permit Signs	400.03— 400.09	Based on 2% of cost of electrical job to customer with a minimum of (separate electrical permit required for signs)	\$45.00
(13) Residential Heating, Ventilating, Air Conditioning and Refrigeration	400.03— 400.09	Central Systems and Additions, Alterations and Repairs 1½% estimated cost with a minimum of (Includes one inspection)	\$35.00
		Each additional inspection	\$35.00
Commercial		Central Systems and Additions,	\$45.00

Heating, Ventilating, Air Conditioning and Refrigeration		Alterations and Repairs 1½% estimated cost with a minimum of	
(14) Sign Installation	415.01— 415.11	(a) Temporary sign permit (b) Permanent sign (any size) Building permit is required for sign support structures Fees based on building permit fee schedule	\$35.00 \$100.00
(15) Temporary Certificate of Occupancy	400	A temporary Certificate of Occupancy may be issued before completion of the entire work covered by the permit, provided the Chief Building Official deems that the building is safe to occupy	\$200.00 Plus a letter of credit or cash escrow equal to 125% of the remaining City Code requirements

ZONING, LAND USE AND RELATED CHARGES

Type of Permit or License	Section Requiring	Description	Fee
(1) Planned Unit Development	542	(a) \$500 plus \$5/\$1,000 of project value (construction cost) up to a maximum fee of	\$3,500.00
		(b) Major PUD Plan Amendment - \$500 plus \$5/\$1,000 of project value (construction cost) up to a maximum fee of	\$3,500
		(c) Minor PUD Plan Amendment	\$350.00
(2) Site Plan Review	547	(a) \$500 plus \$.50/\$1,000 of project value (construction cost) to a maximum fee of	\$3,500.00
		(b) Major amendment - \$500 plus \$.50/\$1,000 of project value (construction cost) to a maximum fee of	\$3,500
		(c) Minor amendment	\$350.00
(3) Variance	547	Residential	\$250.00
		Non Residential	\$450.00
Variance Appeal		Residential and Non Residential	\$150.00
(4) Conditional Use Permit	547	(a) \$500 + \$.50/\$1,000 of project value (construction cost) up to a maximum fee of	\$3,500.00
		(b) Major amendment - \$500 + \$.50/\$1,000 of project value (construction cost) up to a maximum fee of	\$3,500
		(c) Minor amendment	\$350.00

(5) Interim Use Permit	547	\$500 plus \$100/year monitoring fee up to a maximum fee of	\$1,000
(6) *Zoning District or Code Text Change	547		\$600.00
(7) *Subdivision Approval	500.01— 500.05		\$500.00
Subdivision Waiver	500.05- Subd. 2		\$350.00
(8) Street/Easement Vacation	820/State Statute		\$500.00
(9) Appeal to Board of Adj. & Appeals	547		\$350.00
(10) Special Request to City Council			\$350.00
(11) Zoning Compliance Letter			\$50.00
(12) Comprehensive Plan Amend.			\$600.00
(13) Plats	500	Preliminary Plat	\$500.00
		Final Plat	\$250
(14) Sketch Plan Review			\$250.00
(15) Extension		Extension of a Land Use Approval (rezoning, site plan approval, conditional use permit, variance, etc.) beyond its original approval period	\$125.00
(16) Escrow Administration Fee			\$50

*Any additional expenses-incurred by the City in the course of processing a request_will be charged to the applicant.

FIRE SERVICES FEES

Type of Permit or License	Section Requiring	Description	Fee
(6) Fire Extinguishing System Permit		Based on Building Permit fee schedule with a minimum of: Plan review fee: 65% of building permit fee, except no fee for the following: (a) no charge for valuation of \$1,000	\$50.00

		or less	
(7) Fire Alarm Systems		Based on Building Permit fee schedule with a minimum of: Plan review fee: 65% of building permit fee, except no fee for the following: (a) no charge for valuation of \$1,000 or less	\$50.00
(8) Flammable or Combustible Liquid or Gas Storage Tanks and Piping		Tanks (installation or modification	\$150.00
		Installation or alteration of piping Each unit or dispenser	\$50.00
		Underground Tank Removal	\$100.00/Tank

MISCELLANEOUS FEES

Type of Permit or License	Section Requiring	Description	Fee
(3) Antenna Commercial Wireless Telecommunication Service(CWTS)	425 & 544	(a) CWTS antenna permit application fee	\$100.00
		(b) Antenna permit fee for additional antennas added to an existing antenna location or replacement of existing antennas at a location	\$35.00

RESOLUTION NO. _____

**RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE
AMENDING APPENDIX D TO THE RICHFIELD CITY CODE; ESTABLISHING A FEE
SCHEDULE FOR CERTAIN PERMITS AND APPLICATIONS**

WHEREAS, the City has adopted the above referenced amendment of the Richfield City Code; and

WHEREAS, the verbatim text of the amendment is cumbersome, and the expense of publication of the complete text is not justified.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION
BILL NO. _____**

**APPENDIX D TO THE RICHFIELD CITY CODE; ESTABLISHING A FEE SCHEDULE
FOR CERTAIN PERMITS AND APPLICATIONS**

This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter.

This ordinance revises rules related to fees in order to provide building permit fee reductions to affordable housing developments. In summary, the reductions are 5% (up to a maximum of \$4,000) for new construction and 10% (up to a maximum of \$6,000) for rehabilitation of existing units. No one project or development entity is eligible to receive more than a \$10,000 reduction in a two-year period. These reductions shall apply to affordable housing developments containing at least 20% of their housing units as affordable to households earning at, or below, 60% of the area median income.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling the Department of Community Development at (612) 861-9760.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of March, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

Affordable Housing Building Permit Fee Reduction Guidelines

Adopted by the Richfield City Council 3/13/2018

In an effort to encourage and incentivize the construction of new affordable housing units and/or the rehabilitation of existing affordable housing, a fee reduction related to building permits.

The following guidelines shall govern the granting of such permit reductions:

- This reduction only applies to building permits and related plan reviews conducted and issued by the City's Inspections Division and excludes permits for demolition, storm water, utilities, Sewer Access Charges, etc. and permits issued by state and regional authorities.
- The fee reduction only applies to projects that are required by local, state or federal government agencies to provide at least 20% of their housing units as affordable to households earning at, or below, 60% of the area median income (AMI) relative to bedroom size and commensurate household size.
- In the case of affordable rental housing, such affordability controls must be enforceable for five (5) years from the date of granting the reduction and for affordable owner-occupied housing; the initial buyer must qualify at 60% of the AMI.
- The building permit fee reduction shall be 5% (up to a maximum of \$4,000) for new construction and 10% (up to a maximum of \$6,000) for rehabilitation of existing units. No one project or development entity is eligible to receive more than a \$10,000 reduction in a two-year period.
- The projects that may qualify may vary greatly from case-to-case. The Community Development Director has the authority to approve or deny such permit reductions; applicants may appeal this decision to the City Council.
- It should be noted that this permit fee reduction program is being considered at the City's discretion and should not be considered as an "entitlement."



STAFF REPORT NO. 53
CITY COUNCIL MEETING
3/13/2018

REPORT PREPARED BY: Jennifer J Anderson, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Director of Public Safety/Chief of Police
3/1/2018

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
3/5/2018

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the adoption of the Resolution with Findings revoking the business license for First Step, LLC (d/b/a Richfield Health Massage).

EXECUTIVE SUMMARY:

The City of Richfield served a search warrant on First Step, LLC (Richfield Health Massage) located at 7610 Lyndale Ave S. on January 11, 2018. Due to discovering illicit activity occurring on the premises, the Richfield Police Department immediately closed the establishment. One therapist has been formally charged with gross misdemeanor prostitution.

The licensee was also operating the business in violation of City Code. Three individual massage therapists were engaging in prohibited massage, failed to use the required coverings on persons receiving a massage and had not obtained the required licensure from the City, despite several notices from City staff about this requirement to the licensee. Two of the women have been formally charged with misdemeanor massage without a license.

At its meeting on February 13, 2018, the Council held a public hearing regarding the license revocation and passed a motion revoking the license. Adoption of the Resolution is necessary to formalize the revocation and provide a written record of the Council's basis for revocation.

RECOMMENDED ACTION:

By motion: Approve the adoption of the Resolution with Findings, revoking the business license for First Step, LLC.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The City of Richfield Police Department first became aware of illegal activity at First Step, LLC on December 26, 2017, when it received a tip from a patron of First Step, LLC.
- After a thorough investigation and undercover operation, a search warrant was procured on January 10, 2018, and executed on January 11, 2018. Code violations were discovered during the undercover operation.
- In regard to licensing of staff, the owner of First Step, LLC was instructed at the time of

application (early July 2016) that anyone providing massage services needed to be licensed through the City of Richfield. In all instances, this information was communicated via a translator and/or mobile translation application.

- In late July 2016, the owner was reminded again about the need for staff to be licensed via a letter from the City of Richfield regarding items missing from his business license application packet.
- When the business opened in March 2017, the owner attempted to have a woman licensed but because she didn't have the necessary education and experience, she was denied licensure.
- To date, Business Licensing has not received any applications for the staff who were providing services and arrested on January 11, 2018, at First Step, LLC.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

City Code 1188.27 states, "A license granted under this section may be suspended or revoked by the City Council by resolution upon notice and public hearing for any violation of this Chapter, conviction of any crime or misdemeanor or any fraud, misrepresentations or incorrect statements in the license application or in the course of operating or conducting business."

City Code 1188.21 imposes the following license restrictions:

- **Subd. 5. Employment of unlicensed massage therapists prohibited.** No therapeutic massage enterprise shall employ or use any person to perform therapeutic massage who is not licensed as a therapeutic massage therapist under this code, unless this person is specifically exempted from obtaining a therapist license in Section 1188.07 of this code.
- **Subd. 6. Coverings.** The massage therapist must require that the person who is receiving the massage will at all times have that person's breasts, buttocks, anus and genitals covered with non-transparent material or clothing. A massage therapist performing therapeutic massage must have the therapist's breasts, buttocks, anus and genitals covered with a non-transparent material clothing at all times.
- **Subd. 7. Prohibited massage.** A massage therapist may not intentionally massage or offer to massage the penis, scrotum, mons veneris, vulva or vaginal area of a person.

C. CRITICAL TIMING ISSUES:

- N/A

D. FINANCIAL IMPACT:

- Other than the loss of license fees, there is no financial impact.

E. LEGAL CONSIDERATION:

- N/A

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

	Description	Type
□	Resolution	Cover Memo

RESOLUTION NO. _____

**REVOCAION OF THE THERAPEUTIC MASSAGE ENTERPRISE LICENSE OF
FIRST STEP, LLC (D/B/A RICHFIELD HEALTH MASSAGE) LOCATED AT 7610
LYNDALE AVENUE SOUTH, SUITE 400, RICHFIELD, MN 55423**

WHEREAS, First Step, LLC (“Licensee”), a Minnesota limited liability company, operated a therapeutic massage business at 7610 Lyndale Avenue S., Ste. 400, Richfield, MN; and

WHEREAS, pursuant to Richfield City Code Subsection 1188.05, therapeutic massage enterprises and individual massage therapists are required to be licensed by the City; and

WHEREAS, Subsection 1188.09 of the Richfield City Code provides that the owner or operator of a licensed therapeutic massage enterprise may employ only licensed therapeutic massage therapists to provide massage services; and

WHEREAS, Subsection 1188.21 of the Richfield City Code contains requirements and restrictions related to the operation of a therapeutic massage enterprise, including but not limited to the following:

- 1) No therapeutic massage enterprise shall employ or use any person to perform therapeutic massage who is not licensed as a therapeutic massage therapist under this code, unless the person is specifically exempted from obtaining a therapist license in Section 1188.07 of this code (Subd. 5);
- 2) The massage therapist must require that the person who is receiving the massage will at all times have that person's breasts, buttocks, anus and genitals covered with non-transparent material or clothing. A massage therapist performing therapeutic massage must have the therapist's breasts, buttocks, anus and genitals covered with a non-transparent material or clothing at all times (Subd. 6);
- 3) A massage therapist may not intentionally massage or offer to massage the penis, scrotum, mons veneris, vulva or vaginal area of a person. (Subd. 7).

WHEREAS, on December 26, 2017, the Richfield Police Department first became aware of potential illegal activity on Licensee’s premises after a tip from a patron;

WHEREAS, after a thorough investigation and undercover operation, a search warrant was obtained and executed on January 11, 2018, by the City of Richfield Police Department, which discovered several violations of City Code on Licensee’s premises, including the following:

- 1) Three individual massage therapists were engaging in prohibited massage by failing to use the required coverings on persons receiving a massage and by massaging and offering to massage prohibited areas of the body; and

- 2) Three individual massage therapists had not obtained the required license from the City.

WHEREAS, City staff has provided adequate information to the Council that Licensee was aware of the licensure requirement for individual massage therapists and that after having such knowledge, the therapists did not obtain the required licenses;

WHEREAS, Licensee is responsible for the lawful operation of the business;

WHEREAS, City Code Subsection 1188.27 provides that a therapeutic massage enterprise license may be suspended or revoked by the Council upon notice and public hearing for any violation of the Code;

WHEREAS, on January 16, 2018, the City sent a notice to Licensee stating the staff's intent to recommend to the City Council that Licensee's license be revoked based on the Code violations and informing Licensee of its right to a hearing;

WHEREAS, Licensee's attorney acknowledged in a letter dated January 22, 2018, to Chief Henthorne that Licensee wished to proceed with the hearing;

WHEREAS, the Council held a public hearing on February 13, 2018 and Licensee's representative, Liuhe Wei, and his attorney were present and addressed the Council;

WHEREAS, Mr. Wei and his attorney conceded that Code violations had occurred on Licensee's premises and that such violations could be the basis for a revocation of the license; and

WHEREAS, allowing Licensee to continue operation of the business in an illegal manner would permit the continuation of a significant risk to public health and safety.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota, as follows:

1. The recitals outlined above are hereby adopted by the Council as factual findings and are fully incorporated herein.
2. The therapeutic massage enterprise license held by First Step, LLC (d/b/a Richfield Health Massage), which business was most currently located at 7610 Lyndale Avenue South, Suite 400, Richfield, MN 55423, is hereby revoked.

Adopted this 13th day of March, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk